

1 track of it until it gets corrected. If a violation
2 is there, then that's a more serious finding than if
3 there's not room for an additional attachment.

4 Q Was your engagement in this proceeding to
5 go out and find safety violations, Mr. Harrelson?

6 A No. It was something, though, that needs
7 to be illustrated and it needs to be considered in
8 determining when and if poles are at full capacity.

9 Q Am I accurate, Mr. Harrelson, that you
10 have the ability to make a determination with respect
11 to the capacity on a pole without looking at it?

12 A No.

13 Q Am I accurate, Mr. Harrelson, that you
14 have the expertise to make a conclusion with respect
15 to whether or not a pole is at full capacity without
16 taking any measurements?

17 A No. What we had discussed earlier, you
18 asked if those were examples of things that would
19 cause a pole to have a full capacity limit. Those are
20 not all of the examples.

21 Q Yes, sir. I don't think I was asking
22 about the previous question. I was asking you a

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1 stand-alone question. Are you able as an expert to
2 render an opinion as to whether a pole is at full
3 capacity without looking at the pole?

4 A No.

5 Q Can you render an opinion without taking
6 measurements on the pole?

7 A Generally, yes.

8 Q You have rendered an opinion in this case
9 about poles and concluded that they were not at full
10 capacity without ever looking at the pole, haven't
11 you?

12 A Yes.

13 Q Okay. Let's look at an example of that.
14 This is in your Exhibit 7, sir, or actually your
15 Exhibit 6, your analysis of Gulf Power Company's poles
16 that they proffered in this proceeding. This is Pole
17 Number 1 and it's a Knology pole.

18 Now, you wrote this analysis, did you not?

19 A I did.

20 Q And looking down here beginning with the
21 sentence that says --

22 MR. CAMPBELL: Katy, can you highlight that

1 section beginning up here at 39 and maybe run down?

2 BY MR. CAMPBELL:

3 Q You begin by saying that you had no
4 photograph or measurements provided, correct?

5 A Correct.

6 Q And you go on to state, right here, "Not
7 enough information is provided to do an individual
8 analysis of this pole's present or future capacity.
9 That's what you said, right?

10 A That's right.

11 Q Now, going on down to the last sentence,
12 you also state that notwithstanding that, your opinion
13 is that the pole is not at full capacity because it
14 can accept a new attachment even if make-ready is
15 required. That was opinion, right?

16 A That's my opinion based upon the
17 information available.

18 JUDGE SIPPEL: Can you give me a page
19 number? Is this Exhibit 6 did you say?

20 MR. CAMPBELL: Your Honor, I have a problem
21 with that, because I think the Complainants had a
22 problem when they submitted their exhibits in the

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1 numbering sequence. And I don't believe I have a copy
2 that has the page numbers with it. But it is
3 identified sufficiently, I think, as Complainant's
4 Exhibit 6, and then it relates to Pole 44 -- Pole 1 of
5 the Knology, and I think they're separately demarked
6 that way.

7 MR. SEIVER: Your Honor, so the record is
8 clear, we did provide counsel with substitute exhibits
9 with the page numbers. But I presume those were not
10 scanned in.

11 JUDGE SIPPEL: Well, do you have a page
12 number that you can give me, Mr. Seiver?

13 THE WITNESS: 147.

14 JUDGE SIPPEL: Say it again.

15 THE WITNESS: 147.

16 JUDGE SIPPEL: Thank you, sir. Okay. Go
17 ahead, Mr. Campbell. I'm sorry.

18 BY MR. CAMPBELL:

19 Q Could you turn over to the very next page,
20 Mr. Harrelson. And I guess that would be Page 148.

21 A I'm there.

22 Q This also relates to one of these Knology

1 poles, correct?

2 A Yes.

3 Q You didn't have any photographs or
4 measurements on this pole either, did you?

5 A Well, let's look back at the written
6 testimony for me.

7 Q Please do. Page 38 of your written
8 testimony.

9 A Thank you. Did you say 38?

10 Q I believe. 38 to 41 where the Knology
11 poles are discussed in your pre-file written direct.

12 A No. Pole 20 is found on Page 37. That's
13 the photograph of Pole 20.

14 Q Okay.

15 A And the discussion starts at the bottom of
16 Page 35.

17 Q Bottom of Page 35. No measurements were
18 provided or pole heights provided, correct?

19 A For the pole that's pictured, that's
20 correct.

21 Q And that's Pole Number 2. This pole we're
22 talking about on this exhibit.

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1 MR. SEIVER: 20. Pole Number 2 or Pole
2 Number 20?

3 MR. CAMPBELL: It is referred to as Pole
4 Number 20 in the pre-file written direct testimony.
5 And it's Knology Number 2 in the exhibit that we're
6 talking about.

7 MR. SEIVER: Sorry. Thank you for that
8 clarification.

9 THE WITNESS: All right. Would you please
10 ask that last question again?

11 BY MR. CAMPBELL:

12 Q Yes, sir. I'm reading on Page 35 your
13 sentence that says, "No measurements or pole heights
14 were provided." Lines 6 and 7.

15 A Okay. I'm with you.

16 Q Does that relate to this same pole that
17 you're finding it on that was on the screen here and
18 it's part of Exhibit 7?

19 A Right. And the photograph of it is shown
20 on Page 37. That's correct.

21 Q Now, Mr. Harrelson, I didn't ask you about
22 a photograph. I just said no measurements or pole

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1 heights were provided. Is that right?

2 A Right. And I'm looking at my written
3 testimony, and I'm trying to respond to your
4 questions. Go ahead.

5 Q You did have a picture there, right?

6 A Yes.

7 Q But you didn't go out in the field and
8 actually look at this pole, did you?

9 A That's true.

10 Q Nonetheless, your conclusion is there's no
11 indication that this pole could not accommodate
12 another attachment, correct?

13 A Correct.

14 Q With respect to Pole Number 3, Mr.
15 Harrelson, like Pole Number 1 that we just talked
16 about, am I accurate that here you conclude that
17 there's not enough information provided to do an
18 analysis of this pole?

19 A I'm sorry. It's Pole Number 65, Map 3348.

20 Q Tab 3 in your exhibit, correct?

21 A I don't know. Where is that? I'm looking
22 in the written testimony again.

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1 MR. CAMPBELL: Okay. Let's do it this way.
2 Can you hand me my copy of Exhibit 6 and 7, please?

3 Judge, do you mind if I approach the
4 witness?

5 JUDGE SIPPEL: Go right ahead.

6 BY MR. CAMPBELL:

7 Q Am I accurate, sir, that this is your
8 composite Exhibit 6 to your testimony?

9 A That's correct.

10 Q And that is an analysis of Gulf's 50
11 poles, correct?

12 A Right.

13 Q And in there, you number Gulf's 50 poles
14 1 through 40 first, correct?

15 A Yes.

16 Q And then you have a separate section on
17 the Knology poles that numbers them 1 through 10,
18 right?

19 A Right.

20 Q And each pole has a specific number, and
21 that's what you're referring to just a moment ago,
22 correct?

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1 A Right. So I need to switch back to this
2 booklet over here.

3 Q Yes, sir. That would helpful. Are we on
4 the same page now?

5 A Yes.

6 Q Your analysis on this pole, Pole 65, Map
7 3348 of the Knology production, is that there is not
8 enough information provided to do an analysis of this
9 pole. Based on the map and records concerning prior
10 make-ready, it's your opinion that the pole is not at
11 full capacity. That's your opinion, right?

12 A That's my opinion based on the information
13 that's provided.

14 Q You never visited that pole, correct?

15 A No.

16 Q And had no photograph or measurements of
17 that pole, correct?

18 A I don't believe there's a photograph of
19 that one. No.

20 Q But you reached a conclusion that it's not
21 at full capacity, right?

22 A That's correct. I saw no indication that,

1 if necessary, the pole could not be rearranged or
2 replaced by a taller pole.

3 Q I think we can handle what's in here, Mr.
4 Harrelson, if you'll look at the very next Knology
5 pole, the very next opinion you render, am I accurate
6 that for Poles 4 through 10 in that exhibit, you
7 conclude that it is highly likely that the pole can
8 accommodate more attachments?

9 A Well, I don't recall about the others, but
10 that's true on Pole 4.

11 Q Okay. I was trying to do them in a group,
12 but let's go ahead and do Pole 5, then.

13 A Let me add --

14 JUDGE SIPPEL: What's up there, it says
15 Pole 81.

16 THE WITNESS: That's correct.

17 JUDGE SIPPEL: And it's either Paragraph or
18 Page 4, but it's Pole 81.

19 THE WITNESS: Yes. It's the fourth pole
20 from the Knology work that they selected. And then,
21 in the Knology documentation, it numbered it as Number
22 81 on such and such map sheet.

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1 But it is important that with certain of
2 these poles that were identified, that it also
3 identified a map sheet which shows a relationship from
4 one pole to another on the diagram of the streets,
5 poles and wires.

6 BY MR. CAMPBELL:

7 Q The map doesn't show you any measurements,
8 does it, Mr. Harrelson?

9 A No, sir. It shows where the pole is
10 located within the system of lines.

11 Q The map itself doesn't show you any
12 photograph.

13 A No. But from the map, I can determine if
14 it's the end of a line, in the middle of a line or at
15 the intersecting point of two lines.

16 Q Let's go to Pole Number 5. This is the
17 fifth pole of the Knology set of ten that you
18 analyzed, correct?

19 JUDGE SIPPEL: That is referred to as Pole
20 47.

21 MR. CAMPBELL: I was trying to do it in the
22 most simplistic --

1 JUDGE SIPPEL: I understand.

2 MR. CAMPBELL: -- designation. And this
3 is the way the witness set it up. So I was trying to
4 use his numbering system.

5 JUDGE SIPPEL: I appreciate that. This is
6 all in Volume 2 of his prepared deposition of his
7 direct testimony. Volume 2 of your direct testimony.
8 And there is a segment, as you've pointed out, called
9 Knology 10 Poles. And that's what you're in right
10 now.

11 I just want to be sure that the transcript
12 is clear when we're looking at it weeks from now.

13 MR. CAMPBELL: Yes, sir. This is part of
14 Complainant's Exhibit 6. And this is Mr. Harrelson's
15 analysis of the 50 poles that Gulf Power Company
16 identified. He analyzed them 1 through 40 and a
17 second group of 1 through 10 to total the 50.

18 The ten, second set, are Knology poles.
19 This is the fifth in that set. And it is Pole Number
20 47, Map 3448.

21 BY MR. CAMPBELL:

22 Q Am I correct, Mr. Harrelson, that on this

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1 one you similarly concluded that it was highly likely
2 that a new pole could accommodate more attachers?

3 A That's true on Pole 47. Okay. Now, we
4 have that page there. The next page I'd like for you
5 to show, if you can, is the map, Page 6.

6 Q Did I get an answer? That is your
7 testimony with respect to Pole 47?

8 A I did.

9 Q Okay. Now, we'll go over to Pole 139 that
10 you want to talk about.

11 A Well, I had asked if we could see the map
12 on Page 6.

13 Q I'm headed there, if you let me get my
14 question out, Mr. Harrelson. The next pole you want
15 to talk about is Pole 139, which is Map 31 through 48.
16 Correct?

17 MR. CAMPBELL: Katy, can you go to this
18 page?

19 MR. SEIVER: Your Honor, I don't
20 understand. If Mr. Harrelson is asking to see
21 something to answer a question, and then, he's not
22 letting him. I don't know if there's a mis-

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1 communication, or you are going to the next page.

2 MR. CAMPBELL: Mr. Seiver, I am attempting
3 to get to that right now, sir.

4 JUDGE SIPPEL: You have to let him make a
5 foundation.

6 I have the document in front of me.

7 MR. CAMPBELL: I have it in front of me, as
8 well. And if the witness has it, we can move on.

9 BY MR. CAMPBELL:

10 Q I'm looking at the map, Mr. Harrelson. Am
11 I correct that you had no photograph or measurements
12 provided with respect to Pole 139?

13 A That's correct.

14 Q All you had was the map that you have
15 copied below your opinion, correct?

16 A No. I think I had a description of the
17 make-ready work that was done at the time or was
18 engineered to be done. And then, on this map, I was
19 able to find the number 139, which is the circled in
20 green area in the middle of the lower portion or the
21 right-hand portion of the map. You get a magnifying
22 glass, you can read the number 139. So that

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1 corresponds with that pole's location in this network
2 of poles and lines.

3 So it has some meaning, but they're just
4 clues. And while I made a determination based on
5 information available, I would not consider it an
6 engineering decision that I would rely upon with out
7 seeing better information.

8 This is the only information that was
9 provided except for hundreds of pages that did not
10 pertain to Pole 139.

11 Q Are you finished with your answer?

12 A I am.

13 Q Based on this map and the documents you
14 had with respect to previous make-ready, you concluded
15 that it was very likely that either the pole can now,
16 or with make-ready, including a pole change if
17 necessary, accommodate more attachments.

18 A I did. And based also upon my experience
19 in doing that type work.

20 JUDGE SIPPEL: In the industry, what is the
21 purpose of this map?

22 THE WITNESS: This particular map, I

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1 believe is a strand map generated by Knology, which
2 was building a system of strand and cable. And then,
3 it was utilized in the make-ready engineering process
4 to make room for Knology to attach to the poles that
5 Knology has designated that it wished to attach to.

6 But you see the word Knology on the
7 bottom.

8 JUDGE SIPPEL: I do.

9 THE WITNESS: So it's a Knology, what's
10 called a strand, as in steel strand or messenger wire,
11 strand map. It shows the distances between each pole.
12 It shows the pole locations. And it shows some detail
13 of what Knology intends to build in the way of steel
14 strands and coaxial cable and perhaps fiber optic or
15 whatever they're putting up the combination of.

16 JUDGE SIPPEL: Do you know what the date
17 that this map was prepared?

18 THE WITNESS: I don't have a magnifying
19 glass to be able to see. It's probably in '98, '99
20 time frame I would think.

21 JUDGE SIPPEL: All right.

22 BY MR. CAMPBELL:

1 Q Mr. Harrelson, does this map give you pole
2 height data?

3 A I don't think it does.

4 Q No, sir, it doesn't. Does it? Does it
5 give you separation clearances?

6 A No. It does not.

7 Q That's the kind of material you use to
8 analyze whether Gulf Power Company's poles were at
9 full capacity in this case, correct?

10 A No.

11 Q You didn't use that material?

12 A Not entirely, not exclusively. And the
13 most important factor to me, ultimately, in
14 determining if a pole is at full capacity ,is if it
15 can either be rearranged or changed out.

16 Q Okay. And that's my point, Mr. Harrelson,
17 you don't need any measurements, photographs or maps
18 for that, do you?

19 A Any of that information is helpful. And
20 before I make a final engineering determination, and
21 that's the reason for the vagueness in the
22 descriptions here, that based upon the information I

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1 have, I see no reason why that one would not be or why
2 it would be at full capacity.

3 Q Let's go back to your analysis to Pole
4 Number 1. The last sentence, Mr. Harrelson. There's
5 no vagueness in that sentence, is there?

6 A It's my opinion.

7 Q Yes, sir.

8 A Based on the information that we have.

9 Q No, sir. It doesn't say that. "My
10 opinion is that the pole is not -- "

11 A It describes --

12 Q Can I get the question out, please.

13 JUDGE SIPPEL: Yes. Let Mr. Campbell ask
14 you the question. Go ahead, sir.

15 BY MR. CAMPBELL:

16 Q Am I reading this correctly? "My opinion
17 is that the pole is not at full capacity, because it
18 can't accept a new attachment even if make-ready is
19 required."

20 A You're reading that sentence correctly,
21 but the other sentences describe what information was
22 available.

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1 Q Yes, sir. And you described what
2 information was available and you described it in this
3 way. "Not enough information is provided to do an
4 individual analysis of this pole's present or future
5 capacity," correct?

6 A That is correct.

7 Q Okay. Mr. Harrelson, could you go to Page
8 45, Line 4 of your pre-filed written direct testimony,
9 please? Are you there?

10 A I'm there.

11 Q And there, you refer to Gulf Power's
12 specification plates as "decades old." Do you not?

13 A Yes.

14 Q I'm going to ask you a question like I
15 asked you this morning. I don't think that's
16 complimentary. Is it?

17 A It was not intent to be complimentary or
18 otherwise. I was trying to state the fact that those
19 plates had been in use for decades.

20 Q Well, let's try to determine whether you
21 were being complimentary. Can you --

22 A I do have --

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1 Q -- flip over to Page 44.

2 A I'm sorry.

3 Q Did you have something else to add?

4 A Well, I was just going to say I do have a
5 compliment, but maybe I can work it in later.

6 Q I would love to hear a compliment in this
7 proceeding.

8 A And I'm not sure it's appropriate at this
9 time, but the Southern Company standards are much more
10 up-to-date and much more appropriate. And at least on
11 some points, I agree with Gulf's witness that some of
12 these things are actually -- you have to realize that
13 they're decades old or that they're very old or
14 whatever their exact words was.

15 Q I appreciate that. And we'll get to the
16 Southern Company specs in just a minute.

17 Could you roll over to Page 44? Are you
18 there?

19 A 45?

20 JUDGE SIPPEL: 44. Back to 44.

21 Q 44. Yeah. I wanted you to flip back,
22 please.

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1 A All right.

2 Q The answer on Pages 44 and the remainder
3 of 45 relate to this question, "what are those
4 opinions?" You answer starts out with, "Gulf Power's
5 control of its pole attachments is relatively lacking
6 -- "

7 JUDGE SIPPEL: Wait just a minute. You're
8 too fast for him.

9 THE WITNESS: What are those opinions. I'm
10 not with you.

11 MR. CAMPBELL: Okay. Let's start a little
12 earlier.

13 JUDGE SIPPEL: Look at the question on Line
14 10.

15 MR. CAMPBELL: Actually start Line 7,
16 please, sir.

17 THE WITNESS: Okay.

18 BY MR. CAMPBELL:

19 Q "From your review of the poles identified
20 by Gulf Power, have you formed any opinion about Gulf
21 Power's joint use practices?" Did I read that
22 question correctly?

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1 A Yes.

2 Q Your answer was yes. Next question, "What
3 are those opinions?" Did I read that correctly?

4 A Yes.

5 Q Then you begin this next answer that
6 covers several pages with this statement: "Gulf
7 Power's control of its pole attachments process is
8 relatively lax." Did I read that correctly?

9 A Yes.

10 Q And then, when we roll over to Page 45,
11 that's when you're talking about the decade-old spec
12 requirements, correct?

13 A Yes.

14 Q Okay. Am I accurate that you consider the
15 specification plates to be out-of-date, not modern?

16 A In certain aspects, yes.

17 MR. CAMPBELL: Could you pull up Gulf Power
18 Exhibit 12?

19 JUDGE SIPPEL: Can I ask him a question
20 before you do?

21 MR. CAMPBELL: Yes, sir.

22 JUDGE SIPPEL: You say that Gulf Power's

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1 control of its pole attachments is relatively lax. Is
2 that an industry standard or is that a problem?

3 THE WITNESS: I have found it to be problem
4 where there is not consistent administration of pole
5 attachment agreements. And it's a problem that I run
6 into, and I mean, I don't see any chance of ever
7 getting it all corrected.

8 JUDGE SIPPEL: Is that in the industry or
9 with Gulf Power?

10 THE WITNESS: No. I think it's very wide-
11 spread.

12 JUDGE SIPPEL: Industry-wide?

13 THE WITNESS: Yes.

14 JUDGE SIPPEL: Thank you.

15 BY MR. CAMPBELL:

16 Q The exhibit that is on the screen now is
17 Gulf Power Exhibit 12. These are the specification
18 plates you were referring to, Mr. Harrelson?

19 A That's one of them. Yes.

20 Q I'll represent to you that all of them are
21 there on this exhibit, and we'll go through the pages,
22 but just focusing you on the first page.

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1 Let me ask this first, specification
2 doesn't become unreasonable just because it's outdated
3 or because it's old?

4 A That's correct.

5 Q I mean the NESC is old, isn't it?

6 A But it's updated every three years or five
7 years or whatever. The '87 code is somewhat dated
8 now, because the current code is 2002. But the NESC,
9 in general, is a very dynamic standard.

10 Q But there are provisions in the NESC that
11 have been consistent for many, many years, correct?

12 A Some have. Yes.

13 Q You would consider the NESC to be a
14 clearly defined set of standards, correct?

15 A Now, that's taking it a little far. It's
16 a very exhaustive set of standards and it is subject
17 to different interpretations, but it is, by far, the
18 best we have.

19 Q You have it to be reasonable?

20 A I've not tried to make that determination.
21 Some things in it, to me, are somewhat inconsistent.
22 And I'd be glad to give you an example.

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1 Q I don't need an example. I'm just trying
2 to determine whether in comparing Gulf Power's
3 specifications to the NESC, you would find the NESC to
4 be a reasonable set?

5 A Again, as an engineer, I try to understand
6 what it requires, not whether or not it's reasonable.

7 Q You did mention, however, that you think
8 Southern Company's specifications, which are Exhibit
9 11 in this case, are more modern and a reasonable set
10 of construction specifications.

11 A Yes.

12 Q Well, let's do it this way. If any of
13 Gulf Power's specifications that appear in Gulf Power
14 Exhibit 12 also appear in the Southern Company manual,
15 would you agree that they are therefore modern and
16 reasonable?

17 A I don't think I went that far. What I
18 said is the Southern Company's standards are much more
19 reasonable. And I didn't try to compare one page to
20 another page or such. I'm not able to answer your
21 question.

22 Q I'm just asking you if any one of the